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3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT TACOMA

6 PATRICIA L. NATION,

7 Plaintiff,

8 v.

9 MICHAEL J. ASTRUE, Commissioner of
10 Social Security,

11 Defendant.

Case No. C09-5190FDB-KLS

REPORT AND RECOMMENDATION

Noted for April 2, 2010

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13 This matter comes before the Court on plaintiff's failure to respond to the undersigned's
14 order to file an opening brief or show cause why this matter should not be dismissed. (Dkt. #26).
15 Plaintiff is proceeding *pro se* in this matter. This matter has been referred to the undersigned
16 Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule MJR 4(a)(4) and as
17 authorized by Mathews, Secretary of H.E.W. v. Weber, 423 U.S. 261 (1976). Because, plaintiff
18 has failed to respond to the above order to show cause, the undersigned recommends that her
19 complaint be dismissed.
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21 On December 15, 2009, the undersigned issued an order directing plaintiff to file an
22 opening brief in this matter by no later than January 12, 2010. (Dkt. #25). Because plaintiff did
23 not file an opening brief by that date, on January 26, 2010, the undersigned issued an order
24 directing plaintiff to file her opening brief by no later than February 22, 2010, or show cause
25 why this matter should not be dismissed for failure to prosecute. (Dkt. #25). Plaintiff also was
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1 warned that failure to timely file her opening brief would result in a recommendation for such a
2 dismissal. To date, however, plaintiff still has not filed an opening brief.

3 Based on the foregoing discussion, the undersigned recommends that the Court dismiss
4 plaintiff's complaint in this matter (Dkt. #5) for failure to prosecute.

5 Pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure ("Fed. R. Civ. P.")
6 72(b), the parties shall have **fourteen (14) days** from service of this Report and
7 Recommendation to file written objections thereto. See also Fed. R. Civ. P. 6. Failure to file
8 objections will result in a waiver of those objections for purposes of appeal. Thomas v. Arn, 474
9 U.S. 140 (1985). Accommodating the time limit imposed by Fed. R. Civ. P. 72(b), the clerk is
10 directed set this matter for consideration on **April 2, 2010**, as noted in the caption.
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12 DATED this 5th day of March, 2010.
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16 Karen L. Strombom
17 United States Magistrate Judge
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